

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

AARON LARRY BOWMAN

*** CIVIL ACTION.**

VERSUS

*** DOCKET NO. 3:20-cv-01372**

**OUACHITA PARISH SHERIFF'S
OFFICE, ET AL.**

*** JUDGE TERRY A. DOUGHTY
* MAGISTRATE JUDGE KAREN L. HAYES**

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF THE PLAINTIFF'S MOTION FOR
LEAVE TO AMEND COMPLAINT AND VOLUNTARILY DISMISS ALL CLAIMS
UNDER 28 U.S.C. § 1983**

NOW INTO COURT, through undersigned counsel, comes Mr. Aaron Bowman ("Mr. Bowman"), plaintiff who provides this Court with the following Memorandum in Support of his Motion for Leave to Amend Complaint and Voluntarily Dismiss All Claims Under 42 U.S.C. §1983. In support, counsel states:

The original Petition for Damages in this matter was filed by Plaintiff on September 21, 2020 in the Fourth Judicial Circuit of the State of Louisiana. On October 22, 2020, Defendant Louisiana Department of Public Safety & Corrections (Office of State Police) ("LDPSC") filed its Notice of Removal with this Court. (ECF #1). The sole basis of this removal was federal question jurisdiction by this Court of Mr. Bowman's claims made under 42 U.S.C. 1983. *Id.* at ¶¶6-8. This Court order removal on October 26, 2020. (ECF #3).

Since this case was removed from state court, no discovery has commenced. This case remains at its infancy with only Defendant LDPSC and Defendant University of Louisiana System Board of Supervisors ("UL") having filed Answers. (ECF #5 & 10). Plaintiff filed an Amended Complaint (ECF #19), to which only Defendant UL filed an Amended Answer. (ECF #29). Several

defendants have now filed Motions to Dismiss pursuant to F.R.C.P. art. 12(b)(6), which are pending before this Court.

In his Amended Complaint, Paragraphs #1-#50 of the Petition filed in state court were adopted and re-averred. (ECF #19 at ¶, 2, 24). Plaintiff then corrected some factual allegations against previously unnamed parties, but added no new causes of action under Louisiana or federal law. (ECF #19 at ¶¶25-27). In the original state court petition, Plaintiff alleged both state law torts, *see* Sept. 21, 2020 Petition at ¶¶36-44, 46-49, and one claim of a violation of Mr. Bowman's federal rights under 42 U.S.C. §1983. *Id.* at ¶45. Plaintiff itemized his damages in Paragraph 50. Only two of these were purely based in federal law under §1983. *See* Sept. 21, 2020 Petition at ¶50, #11 (punitive damages) and #12 (attorney fees).

Through this motion, Plaintiff asks this Court for leave to amend his Complaint to strike Paragraph 45 and Paragraph 50(#11) & #12 (as to attorney fees). This removes all federal causes of action or federal bases for damages or relief. Specifically, this Amendment will remove all claims for liability or recovery under 42 U.S.C. §1983. Since this case is at its infancy with no discovery even yet being conducted, no party will suffer any prejudice. Indeed, the Defendants will have an entire set of claims and damages removed from this action.

WHEREFORE, Mr. Bowman prays that this Court grant his Motion for Leave to Amend Complaint and Voluntarily Dismiss All Claims Under 42 U.S.C. §1983.

Respectfully Submitted,

/s/ Christopher J. Murell

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served on all counsel of record,
through the U.S Courts PACER system on this 14th day of January 2021,
by electronically filing the same.

/s/ Christopher Murell